

DISTRICT OF COLUMBIA
DOH Office of Adjudication and Hearings
825 North Capitol Street N.E., Suite 5100
Washington D.C. 20002
(202) 442-9091

DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
Petitioner,

v.

DIXON OLADELE
Respondent

Case Nos.: I-00-10011
I-00-10125
I-00-10212
I-00-10309

DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
Petitioner,

v.

PIANKHY ASSET MANAGEMENT, LLC
Respondent

Case Nos.: C-00-10420
I-00-11020

FINAL ORDER

I. Introduction

These cases have been consolidated for decision because, as explained below, the only question remaining for decision is whether Mr. Dixon Oladele, individually and as representative of Piankhy Asset Management, LLC, has demonstrated good cause for the failure to respond to Notices of Infraction mailed to him by the Government. Three separate sets of Notices of Infraction are at issue.

A. Notices of Infraction 00-10011 and 00-10125

On January 27, 2000, the Government mailed Notice of Infraction 00-10011 to Respondent Dixon Oladele.¹ The Notice of Infraction alleged that Mr. Oladele violated 21 DCMR 504.1, which authorizes the Government to order property owners to correct erosion problems occurring at their property. The Civil Infractions Fine Schedule authorizes a fine of \$100.00 for a first offender who does not correct erosion after being ordered to do so. *See* 16 DCMR 3234.2(a) (defining failure to correct erosion in violation of 21 DCMR 504.1 as a Class 3 infraction); 16 DCMR 3201.1(c) (specifying a \$100.00 fine for a first violation). The Notice of Infraction alleged that the violation occurred on January 14, 2000 at 843 52nd Street, N.E (“the 52nd Street address”), and the Certificate of Service states that the Notice of Infraction was mailed to that address.

Mr. Oladele did not file an answer to the Notice of Infraction within the required twenty days after service (fifteen days plus five additional days for service by mail pursuant to D.C. Code § 6-2715). Accordingly, on February 29, 2000, this administrative court issued an order finding him in default and assessing the statutory penalty of \$100.00 required by D.C. Code § 6-2704(a)(2)(A).

¹ The Notice of Infraction identifies the Respondent as “Olagole Dixon,” but Respondent does not take issue with the misspelling of his name or the transposition of his first and last name.

On March 13, 2000, the Government mailed a second Notice of Infraction (No. 00-10125) to Mr. Oladele at the 52nd Street address. Mr. Oladele also did not file an answer to that Notice of Infraction. Accordingly, on June 9, 2000, this administrative court issued a Final Notice of Default, finding Mr. Oladele in default on the second Notice of Infraction and assessing total penalties of \$200.00 pursuant to D.C. Code § 6-2712(f). The Final Notice of Default also set July 5, 2000 as the date for an *ex parte* proof hearing, and afforded Mr. Oladele an opportunity to appear at the hearing to contest liability, fines, penalties or fees. Enclosed with the Final Notice of Default were copies of both the first and the second Notices of Infraction.

Prior to the July 5 hearing, the Government filed copies of several photographs in support of its allegations, but waived personal appearance. The July 5 hearing took place as scheduled, but neither the Government nor Mr. Oladele appeared. On July 26, 2000, this administrative court issued an Order Requiring an Evidentiary Hearing, ruling that additional evidence was necessary in order to prove that Respondent had violated § 504.1 and requiring the Government to appear for a hearing on August 16, 2000. That order afforded Mr. Oladele yet another opportunity to appear to contest liability, fines, penalties or fees.

On August 16, 2000, this administrative court held an evidentiary hearing. The inspector who issued the Notice of Infraction testified about his personal observations at the site and his efforts to determine the ownership of the property. The previously submitted photographs (Petitioner's Exhibit 200) were admitted into evidence. I left the record open to permit the Government to file additional evidence, and subsequently received a copy of a District of

Columbia Real Property Tax Record dated August 17, 2000 identifying Mr. Oladele as the owner of the premises located at the 52nd Street, address. That document is now marked as Petitioner's Exhibit 201 (PX-201) and is admitted into evidence.

B. Notices of Infraction 00-10212 and 00-10309

On June 7, 2000, the Government mailed Notice of Infraction No. 00-10212 to Mr. Oladele at the 52nd Street address. That notice also charged a violation of 21 DCMR 504.1 occurring there. The date of violation was alleged to be June 1, 2000. The Notice of Infraction charged that this was Mr. Oladele's second violation of § 504.1, and sought a fine of \$400.00.

Mr. Oladele did not file an answer to the Notice of Infraction within the required twenty days after service. Accordingly, on July 19, 2000 this administrative court issued an order finding him in default and assessing a penalty of \$400.00 pursuant to by D.C. Code § 6-2704(a)(2)(A).

The Government served a second Notice of Infraction (No. 00-10309) on July 17, 2000, addressed to the 52nd Street address. Mr. Oladele also did not answer that Notice of Infraction. On November 9, 2000, therefore, this administrative court issued a Final Notice of Default setting an *ex parte* proof hearing for December 13, 2000, and affording Mr. Oladele an opportunity to appear at the hearing to contest liability, fines, penalties or fees. The Final Notice of Default also assessed a total penalty of \$800.00 pursuant to D.C. Code § 6-2712(f) for Mr.

Oladele's failure to answer the Notices of Infraction. Enclosed with the Final Notice of Default were copies of both the first and the second Notices of Infraction.

On December 13, 2000, the inspector who issued the Notices of Infraction appeared for the hearing and offered testimony in support of the charge. I also ruled that the tax record, PX-201 from the earlier case, would be considered part of the record in this case. Mr. Oladele did not appear for the hearing.

C. Notices of Infraction 00-10420 and 00-11020

On November 24, 2000, the Government mailed Notice of Infraction No. 00-10420 to Mr. Oladele. The Notice of Infraction alleged that Piankhy Asset Management, LLC ("Piankhy") had committed a series of violations at a vacant lot next to 5053 Jay Street, N.E. (Piankhy apparently had proposed that the lot be given the address of 5051 Jay Street, but that address had not been officially assigned to the lot.) Although Mr. Oladele was not named as a Respondent, the Notice of Infraction identified him as Piankhy's agent. The Notice of Infraction alleged that Piankhy had violated 21 DCMR 502.1, 21 DCMR 502.6, 21 DCMR 531.1, 21 DCMR 538.1(k), 21 DCMR 539.4, 21 DCMR 539.6 and 21 DCMR 539.3, and sought a total of \$1,450.00 in fines for those violations. The Notice of Infraction was addressed to Mr. Oladele at 5110 Kansas Avenue, N.W. ("the Kansas Avenue address").

Piankhy did not file an answer to the Notice of Infraction within the required twenty days after service. Accordingly, on December 27, 2000, this administrative court issued an order finding Piankhy in default and assessing the statutory penalty of \$1,450.00 required by D.C. Code § 6-2704(a)(2)(A). On January 3, 2001, the Government mailed a second Notice of Infraction (No. 00-11020) addressed to Mr. Oladele, as agent for Piankhy, at the Kansas Avenue address. A timely answer to that Notice of Infraction was not filed, and this administrative court therefore issued a Final Order of Default on February 12, 2001. That order set an *ex parte* proof hearing for March 14, 2001, and afforded Piankhy an opportunity to appear to contest liability, fines, penalties or fees. The Final Notice of Default also assessed total penalties of \$2,900.00 pursuant to D.C. Code § 6-2712(f) for Piankhy's failure to answer the Notices of Infraction. Enclosed with the Final Notice of Default were copies of both the first and the second Notices of Infraction.

II. Mr. Oladele's Payment and Plea

On March 13, 2001, one day before the *ex parte* proof hearing in the Piankhy matter, Mr. Oldaele delivered a check for \$2,050 to the Clerk's Office. He also orally informed the Deputy Docket Clerk that he would appear for the hearing on March 14. On March 14, both the inspector who issued the Notices of Infraction and Mr. Oladele appeared for the hearing. Mr. Oldaele explained that he intended his payment of \$2,050.00 as a payment of all the fines sought by the Government in the cases pending against him personally and against Piankhy, but wished to contest the imposition of penalties for failure to file timely responses to the Notices of

Infraction. With the Government's consent, I re-opened the record in Cases I-00-10011, I-00-10125, I-00-10212, and I-00-10309 in order to accept Mr. Oladele's pleas in those cases and to afford him an opportunity to demonstrate good cause for his failure to respond to the Notices of Infraction. Mr. Oladele then entered pleas of Admit to all charges pending against him and against Piankhy.

Mr. Oladele also offered testimony in an attempt to demonstrate good cause for his failure to file timely responses to the Notices of Infraction. He testified that his business consists of buying houses, renovating them and selling them at a profit. He testified that he does not have a fixed address, but rather lives in one or more of his houses while he is renovating it. He claimed that mail is not delivered to the houses because they are regarded as vacant, and that there is no place where he regularly receives mail. Mr. Oladele testified that he never received any of the Notices of Infraction, which were served by mail, and that he was unaware of their issuance. He claimed that inspectors could easily locate him at one or more of the houses he is renovating and can simply give him Notices of Infraction at those locations. He admitted that both his current driver's license and his bank list the Kansas Avenue address as his current address, and that the records of the Department of Consumer and Regulatory Affairs list him as the registered agent for Piankhy at the Kansas Avenue address. He claimed, however, that he no longer lives there.

The Government's inspector, Mr. Fields, testified that Mr. Oldaele has been difficult to locate, and offered various exhibits in an effort to demonstrate proper service of the Notices of Infraction in the Piankhy matter.

III. Findings of Fact

Based upon the testimony at the March 14 hearing, the exhibits introduced at that hearing, the testimony and exhibits introduced at the August 16, 2000 and December 13, 2000 hearings, and the entire record in these matters, I now make the following findings of fact.

A. The 52nd Street Address

Based upon the certifications of the Government's representative on each of the four Notices of Infraction that name Mr. Oladele individually, I find that those Notices of Infraction were sent to Mr. Oladele by certified mail addressed to him at the 52nd Street address. Those Notices of Infraction were mailed to Mr. Oladele between January 27 and July 17, 2000.² The

² The individual Notices of Infraction and the service dates attested to by the Government's representative are listed below:

Notice of Infraction	Service Date
00-10011	January 27, 2000
00-10125	March 10, 2000
00-10212	June 6, 2000
00-10309	July 17, 2000

District of Columbia property tax records for the 52nd Street address identify Mr. Oladele as the property's owner as of August 17, 2000, and give the 52nd Street address as his mailing address. (PX-201 in Case No. I-00-10011). Mr. Oladele claimed that he had sold the 52nd Street property, and property tax records dated December 14, 2000 show a different owner. (PX-120). Mr. Oladele was unable to provide any evidence of the date of the sale, and I find that he owned the property at least through August 17, 2000, one month after the Government mailed him the last Notice of Infraction concerning the 52nd Street property. I find further that Mr. Oladele represented to the Office of Tax and Revenue that the 52nd Street address was the mailing address at which he could be contacted with respect to the property at issue.

B. The Kansas Avenue Address

Mr. Oladele is the registered agent for Piankhy. Petitioner's Exhibit 103A ("PX-103A"). Based upon the certification of the Government's representative on Notice of Infraction No. 00-10420, I find that the Notice of Infraction was served by mail upon Mr. Oladele at the Kansas Avenue address on November 24, 2000. Based upon the certification of the Government's representative on Notice of Infraction No. 00-11020, I find that the Notice of Infraction was sent by certified mail to Mr. Oladele at the Kansas Avenue address on January 3, 2001.

Based upon Mr. Oladele's testimony, I find that his current driver's license identifies his address as the Kansas Avenue address, and that his bank's records also list his address as the Kansas Avenue address. The check that he submitted to the Clerk's office on March 13 also

identifies the Kansas Avenue address as Mr. Oladele's address. In addition, Piankhy has informed DCRA that Mr. Oladele is its registered agent and can be reached at the Kansas Avenue address. PX-103A.

C. Mr. Oladele's Failure to Receive the Notices of Infraction

As noted above, each of the six Notices of Infraction at issue in these consolidated matters was served by certified mail. The U.S. Postal Service, however, returned each one to the Government. Mr. Oladele testified that this occurred because he has no fixed address and is unable to receive mail. I do not find his testimony to be credible. It is utterly implausible that an individual can maintain one or more residences, along with an ongoing business, in the District of Columbia while being unable to receive mail on a regular basis. Mr. Oladele must pay his bills, whether incurred by the business or for personal matters such as utilities and taxes on the residences where he lives. He cannot pay those bills unless he receives them. The record contains no evidence of any means for him to receive bills other than by mail. Mr. Oladele needs to receive other important communications by mail, including bank statements,³ information regarding permits for his business and renewals for his driver's license and the registration on his motor vehicle. The most likely inference from this record to explain Mr. Oladele's non-receipt of the Notice of Infraction is not that he is unable to have mail delivered to him, but rather that

³ I reject as completely incredible Mr. Oladele's testimony that he doesn't need to get bank statements because he trusts his bank will never make a mistake.

he repeatedly ignored the U.S. Postal Service's notices that certified letters addressed to him were available to be picked up at the Post Office.

IV. Conclusions of Law

A. Respondents' Liability for the Infractions

Mr. Oladele's pleas of Admit to the charges pending against him conclusively establish that he committed the violations alleged in Notices of Infraction 00-10011, 00-10125, 00-10212 and 00-10309. Specifically, Mr. Oladele violated 21 DCMR 504.1 on January 14, 2001 and June 1, 2001. He committed both violations at 843 52nd Street, N.E.

Mr. Oladele's pleas of Admit on behalf of Piankhy conclusively establish that Piankhy committed the violations alleged in Notices of Infraction 00-10420 and 00-11020. Specifically, Piankhy violated 21 DCMR 502.1, 21 DCMR 502.6, 21 DCMR 531.1, 21 DCMR 538.1(k), 21 DCMR 539.4, 21 DCMR 539.6 and 21 DCMR 539.3 on November 15, 2000 at a vacant lot next to 5053 Jay Street, N.E.

B. Absence of Good Cause for the Failure to Answer the Notices of Infraction

Because there is now no issue as to whether Mr. Oladele and Piankhy committed the violations alleged, the only issue remaining to be determined is whether Mr. Oladele and Piankhy have demonstrated good cause for their failure to respond to the Notices of Infraction.

The Civil Infractions Act, D.C. Code § 6-2712(f), requires the recipient of a Notice of Infraction to demonstrate “good cause” for failing to answer it on time. If a party can not make such a showing, the statute requires that a penalty equal to the amount of the proposed fine must be imposed. D.C. Code §§ 6-2704(a)(2)(A), 6-2712(f). If a recipient fails to answer a second Notice of Infraction without good cause, the penalty doubles. D.C. Code §§ 6-2704(a)(2)(B), 6-2712(f).

Mr. Oladele’s explanation for not responding on time is that he never received the Notices of Infraction. To determine whether his non-receipt of the Notices of Infraction constitutes good cause, I must decide whether service was proper pursuant to both the Civil Infractions Act and the Due Process Clause. The Civil Infractions Act permits a Notice of Infraction to be served by mail addressed to the Respondent’s last known home or business address. D.C. Code § 6-2715. Pursuant to the Due Process Clause, “[n]otice by mail or other means as certain to ensure actual notice is a minimum constitutional precondition to a proceeding which will adversely affect the liberty or property interests of any party, . . . if its name and

address are reasonably ascertainable.” *Mennonite Board of Missions v. Adams*, 462 U.S. 791, 800 (1983).

Pursuant to the Civil Infractions Act, the issue for decision is whether the Government sent the Notices of Infraction in these matters to Mr. Oladele at his “last known” address. D.C. Code § 6-2715.⁴ Property tax records for the 52nd Street address prove that Mr. Oladele had established that address as the place to mail him the tax bill for the property. Consequently, it was an appropriate address to mail important communications from the Government, such as the Notices of Infraction. It qualifies, therefore, as his “last known address” during the period that the Government mailed the Notices of Infraction concerning the 52nd Street property. Significantly, Mr. Oladele did not identify any other mailing address of which the Government had notice during the period between January and June, 2000 when it mailed the Notices of Infraction concerning the 52nd Street property to him.

Mailing the Notices of Infraction to the 52nd Street address also complied with the Due Process Clause. In *Mennonite*, the Court held that mailing notice to a party’s “last known available address” complies with the Due Process Clause, 462 U.S. at 798, and cited with approval two cases holding that an agency satisfies due process when it mails a notice to an address ascertained from public records, such as tax records. *Id.* at 799-800 (citing *Schroeder v. City of New York*, 371 U.S. 208 (1962); *Walker v. City of Hutchinson*, 352 U.S. 112 (1956)).

⁴ Mr. Oladele does not dispute that he is Piankhy’s agent and is authorized to receive Notices of Infraction on its behalf.

There is no doubt, therefore, that the Government's use of a mailing address obtained from property tax records satisfied the Due Process Clause.

The evidence with respect to service of the Notices of Infraction for Piankhy is even stronger. Government records, including DCRA's records identifying Mr. Oladele as Piankhy's agent and Mr. Oladele's driver's license, as well as Mr. Oladele's bank records and the very check he used to pay the fines in this matter, all identify the Kansas Avenue address as his address. The Government was entirely justified, both under the Civil Infractions Act and the Due Process Clause, in mailing the Notices of Infraction addressed to Piankhy to Mr. Oladele at the Kansas Avenue address.⁵

The U.S. Postal Service's return of the mail addressed to Mr. Oladele does not change the analysis. Neither the Civil Infractions Act nor the Due Process Clause requires that a Respondent receive actual notice of an infraction. Pursuant to D.C. Code § 6-2715, service by mail is complete when the Notice of Infraction is mailed, not when it is received. Similarly, the Due Process Clause requires notice "reasonably calculated" to apprise a party of the pendency of a proceeding. *Mennonite*, 462 U.S. at 795 (quoting *Mullane v. Central Hanover Bank & Trust*

⁵ There is no inconsistency in holding that both the 52nd Street address and the Kansas Avenue address qualify as Mr. Oladele's last known address, because the time periods at issue are different. The Government mailed Notices of Infraction to the 52nd Street address between January and July 2000, while it sent Notices of Infraction to Kansas Avenue during November 2000 and January 2001. Moreover, it is not unusual for a person to maintain more than one address, and it was not unreasonable for the Government to mail Notices of Infraction for the properties involved in these cases to the very addresses provided by Respondents in government records.

Co., 339 U.S. 306, 315 (1950). As noted above, the Supreme Court has expressly held that mailing notice to an address obtained from a public record satisfies that standard.

Mr. Oladele's failure to receive the Notices of Infraction is his own fault. I already have found that the most likely explanation for the return of the Notices of Infraction was a deliberate decision not to obtain them from the Postal Service. Even if I were to credit Mr. Oladele's testimony that he has arranged his affairs in such a way that he never receives mail, he still would be at fault. It is unreasonable for a business person to make himself or herself unreachable by mail, particularly someone in Mr. Oladele's business of renovating homes. That is a regulated business, requiring numerous permits and compliance with the building code, as well as with safety and environmental regulations. A person in such a business acts unreasonably in making it impossible for the Government to communicate with him by mail, and assumes the risk that important Government documents sent to mailing addresses that he has identified as his own will not reach him. In *Malone v. Robinson*, 614 A.2d 33 (D.C. 1992), the Court of Appeals held that no additional efforts to notify a property owner of the pending sale of his property for non-payment of taxes would be necessary if the Government has sent notice by certified mail and the notice was returned "due to a deliberate refusal to accept delivery . . . or an analogous situation." *Id.* at 38, n.9 (emphasis added). That rule should apply here as well. Even if (contrary to the findings of fact in this case) Mr. Oladele actually is unreachable by mail, his decision not to have a mailing address is analogous to a deliberate refusal to accept an individual piece of mail. In those circumstances, the Government need not make any additional

efforts to serve him beyond sending a certified letter to a mailing address that he voluntarily has identified as his own.

Consequently, Mr. Oladele has not established that there was good cause for his failure to respond to the Notices of Infraction addressed to him personally and to Piankhy. Both he and Piankhy are subject to the penalties prescribed by D.C. Code §§ 6-2704(a)(2)(A) and 6-2704(a)(2)(B).

C. Calculation of Fines and Penalties

As noted above, the fine prescribed for a first violation of 21 DCMR 504.1 is \$100.00. Consequently, the authorized penalty for Mr. Oladele's failure to respond to both the first and second Notices of Infraction for the § 504.1 violation occurring on January 14, 2000 is \$200, in addition to the \$100 fine. D.C. Code §§ 6-2704(a)(2)(A) and 6-2704(a)(2)(B).

The Notice of Infraction for the § 504.1 violation occurring on June 1, 2000 seeks a fine of \$400.00 for that offense. The June 1 violation, however, is Mr. Oladele's second violation of §504.1. The prescribed fine for that violation is \$200.00 not \$400.00. 16 DCMR 3201.1(c)(2). Accordingly, the authorized penalty for Mr. Oladele's failure to respond to the first and second

Notices of Infraction is \$400.00, in addition to the \$200.00 fine. D.C. Code §§ 6-2704(a)(2)(A) and 6-2704(a)(2)(B).⁶

Recent amendments to the Civil Infractions Fine Schedule have prescribed fines for all the violations committed by Piankhy. *See* 42 D.C. Reg. 6892 (August 25, 2000), (revising 16 DCMR 3234). Piankhy is subject to fines of \$500 for its violation of 21 DCMR 502.1 and 21 DCMR 502.6. 16 DCMR 3234.1(a); 16 DCMR 3201.1(b). Piankhy is also subject to fines of \$100.00 for each of its violations of 21 DCMR 531.1, 21 DCMR 538.1(k), 21 DCMR 539.4 and 21 DCMR 539.6. 16 DCMR 3234.2; 16 DCMR 3201.1(c). Finally, Piankhy's violation of 21 DCMR 539.3 subjects it to a fine of \$50. 16 DCMR 3234.3; 16 DCMR 3201.1(d). The total fines for Piankhy's violations, therefore, amount to \$1,450.00. Accordingly, it is subject to a total penalty for its failure to answer the first and second Notices of Infraction of \$2900 in addition to those fines. D.C. Code §§ 6-2704(a)(2)(A) and 6-2704(a)(2)(B).

The total amounts owed by Mr. Oladele and by Piankhy are summarized below:

	Fine	Penalty	Total
Mr. Oladele (1/14/00 Violation)	\$100.00	\$200.00	\$300.00
Mr. Oladele (6/1/00 Violation)	\$200.00	\$400.00	\$600.00
Piankhy	\$1,450.00	\$2,900.00	\$4,350.00
Totals	\$1,750.00	\$3,500.00	\$5,250.00

⁶ The Clerk's orders in connection with Mr. Oladele's defaults on both the first and second Notices of Infraction used the incorrect \$400.00 fine listed in the first Notice of Infraction to calculate the penalties for the defaults. The correct fine and penalty are stated in the text.

As noted above, Mr. Oladele submitted a check for \$2,050.00, which he intended as payment of all fines owed by him and by Piankhy. Together, Mr. Oladele and Piankhy owe \$1,750.00 in fines, with Mr. Oladele owing \$300.00 and Piankhy owing \$1,450.00. Mr. Oladele, therefore, overpaid the fines by \$300.00, an amount that will be credited to his and Piankhy's obligation to pay penalties for not responding to the Notices of Infraction. The credit will be applied in approximate proportion to the penalties owed by Mr. Oladele and by Piankhy. Mr. Oladele will receive 20% of the \$300.00 credit, or \$60.00. He therefore owes a balance of \$540.00 on the total penalties of \$600.00. Piankhy will receive 80% of the \$300.00 credit, or \$240.00. It therefore owes a balance of \$2,660.00 on the \$2,900.00 penalty that has been assessed.

Mr. Oladele's past conduct does not provide any basis to mitigate the default penalties that have been assessed. He testified, however, that he intends promptly to inform both the Department of Health's enforcement staff and this administrative court of an address that can conclusively be presumed to be a proper mailing address for him unless he gives notice of a change in that address. If he does so, the resulting decrease in the administrative burden of contacting him warrants a reduction in the default penalties, provided that Mr. Oladele gives prompt notice of the address and provided further that he promptly pays the reduced penalty. Accordingly, Mr. Oladele's penalty will be reduced to \$300.00, and Piankhy's penalty will be reduced to \$1,450.00 if Mr. Oladele satisfies the above conditions.

V. Order

Based upon the above findings of fact and conclusions of law, it is, this _____ day of _____, 2001:

ORDERED, that Respondent Dixon Oladele shall pay a total of **FIVE HUNDRED FORTY DOLLARS (\$540.00)** in accordance with the attached instructions within twenty (20) calendar days of the date of mailing of this Order (fifteen (15) calendar days plus five (5) days for service by mail pursuant to D.C. Code § 6-2715); and it is further

ORDERED, that Respondent Piankhy Asset Management, LLC shall pay a total of **TWO THOUSAND SIX HUNDRED SIXTY DOLLARS (\$2,660.00)** in accordance with the attached instructions within twenty (20) calendar days of the date of mailing of this Order (fifteen (15) calendar days plus five (5) days for service by mail pursuant to D.C. Code § 6-2715); and it is further

ORDERED that the penalty assessed against Mr. Oladele shall be reduced to **THREE HUNDRED DOLLARS (\$300.00)** and the penalty against Piankhy shall be reduced to **ONE THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$1,450.00)** if Mr. Oladele and Piankhy satisfy the following two conditions:

1. Mr. Oladele shall make the \$300.00 payment and Piankhy shall make the \$1,450.00 payment within twenty (20) calendar days of the date of mailing of this Order; and
2. On or before March 30, 2001, Mr. Oladele shall file with this administrative court and with the Division Chief of the Watershed Protection Division, at the address given below, a notarized statement identifying an address at which mail can be sent to him by this administrative court and by the Department of Health. Any such address shall conclusively be presumed to be Mr. Oladele's proper mailing address for service of Notices of Infraction, orders of this administrative court and any other communications from the Department of Health unless and until Mr. Oladele files a subsequent notarized statement giving a new address with this administrative court (or any administrative court that succeeds to its responsibilities) and with the Division Chief of the Watershed Protection Division (or any official who succeeds to his responsibilities); and it is further

ORDERED that failure of Respondents to comply with the attached payment instructions and to remit a payment within the time specified will authorize the imposition of additional sanctions, including the suspension of Respondents' license or permit pursuant to D.C. Code § 6-2713(f).

/s/ **3-23-01**

John P. Dean
Administrative Judge